

REMARKS

Initially, Applicants wish to thank the Examiner for the courtesies extended during the interview conducted on August 19, 2003 over the phone in regards to the above referenced application. The interview included a general discussion of the invention and the references cited, and how the references of record do not disclose, teach or suggest Applicants' tapered cutting drum. The Examiner indicated that a tapered drum might be allowable over the references of record after further consideration.

Claims 1-3, 5, 8-16, 19-20 remain in the application. Claims 1-3, 5, 8-16, 19-20 have been amended, thereby rendering the present rejections of record moot. New claims 21-26 are presented herein for consideration and claims 4, 6-7, 17-18 have been canceled without prejudice.

Support for the amendments can be found throughout the specification including the originally filed claims and the drawings. Applicants submit that no new matter has been added.

The Applicants have carefully reviewed the above-identified Office Action. The Applicants contend that, by the present Amendment, all bases of objection and rejection have been traversed and overcome. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections.

THE REJECTIONS

In the Office Action the drawings are objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims and for other formalities.

In the Office Action Claims 4, 6-8 and 10-20 stand rejected under 35 U.S.C. 112 as being indefinite. Claim 7-8 are objected to as unclear and claim 8 is objected to for failure to positively recite/define a "chipping point". Claim 4, 6, and 10 are objected to as not reciting the interrelationship between the bellyband and the rest of the components. Claim 7 is objected to because it is not clear what an extended void refers to.

In the Office Action Claims 10, 11 and 17 stand rejected under 35 U.S.C. 102(a) as being anticipated by Morey (U.S. Patent No. 5,005,620).

In the Office Action Claims 1-4, 6-9 and 12-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Morey (5,005,620) in view of Bowers et al. (5,692,548).

In the Office Action Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Morey (5,005,620) in view of Bowers et al. (5,692,548) as applied to claim 1 above, and further in view of Downie (4,738,402).

The claims have been amended above in order to expedite allowance and to more succinctly define that which the applicants regard as the invention. Applicants traverse the rejection and Examiner's characterization of the references cited above as none of the references disclose, teach or suggest a drum shredder having a tapered cutting drum or a drum shredder having a tapered cutting drum with a bellyband partially wrapping the drum.

ARGUMENT

Applicants submit that the Examiner has not made out a prima facie case of obviousness as there is no motivation to combine the references of record to arrive at the Claimed invention. Further, the Applicants submit that the references teach away from their combining and do not show obviousness of the Claimed invention. Therefore, the Applicants request that the present claims be found allowable.

The References

Morey (5,005,620) teaches a drum type wood chipper having a cylindrical drum (see col. 3, lines 47-49) and pockets in the drum where chips enter the drum on one side of the pockets, are carried with the drum, pass under the chipping blades, and are propelled out the other side of the pockets through a transition having a linear void.

Bowers et al. (5,692,548) teaches a wood chipper having a cylindrical drum with a hollow interior for collecting chips that pass through the drum surface to the inside of the drum to increase cutting efficiency, see col. 3, lines 36-38. Bowers specifically cites Morey and claims to be an improvement over Morey's pocket design, see col. 1, lines 55-67 and col. 2, lines 1-2. As such, one would not combine Morey's pocket design with

Bower's pass through design, because they are independent and incompatible with each other. For example, there is no need to slope the inside of Morey's drum like Bowers' drum if pockets are used to carry chips.

Downie (4,738,402) teaches a waste recovery system for disintegrating soaked paper stock in a water filled container using a porous and hollow rotor. The hollow rotor has internal agitator plates so that wet pulp material passes out of the hollow in the form of wet clumps. The water bath apparatus would not be compatible with the chip discharge systems of either Morey or Bowers, as water would most likely interfere with their prime directive, effectively discharging chips. Therefore, there is no motivation to combine Morey and Bowers with Downie.

Objection to the Drawings under 37 CFR 1.83(a)

The drawings have been amended to comply with the objection. Substitute drawings are also presented herewith for easier viewing. Applicants submit that no new matter is included in the Figures. New Fig. 10 is presented to show an embodiment of a drum shredder having *a housing*, and a tapered cutting drum rotatably mounted in the housing. The figure also shows a transition and *discharge port*. Applicants submit that Fig. 10 is supported by the written specification, the originally filed claims, and the other drawings, such as Fig. 9.

Fig. 9, reference numerals 410 and 414 point to different structures. Even though these structures could be made of a single unitary structure, they are shown as separated by a line.

The specification and Fig. 9 have been amended to include a reference numeral for "wherein the transition has at least 5 sides" 438. A multi-sided rear wall is exemplified at 422 of Fig. 9. The blade 422 and the pocket 424 have been renumbered 423, 425 respectively.

New Fig. 10 shows a discharge port 602 and housing 601. Another example of a housing is shown in replacement drawing Fig. 3a and 3b at 102.

Paragraph 60 states "anvil 420" and Paragraph 62 states that "434" and "436" are fan blades, therefore no correction is necessary.

Figs. 5 and 6 are amended to reflect the description in the specification.

The claims have been amended rendering the remaining objections to the drawings moot.

Rejection under 35 U.S.C. §102(b)

In the Office Action Claims 4, 6-8 and 10-20 stand rejected under 35 U.S.C. 112 as being indefinite.

The rejection is moot in light of the amended claims.

Rejection under 35 U.S.C. §102(a)

In the Office Action Claims 10, 11 and 17 stand rejected under 35 U.S.C. 102(a) as being anticipated by Morey (U.S. Patent No. 5,005,620).

The rejection is moot in light of the amended claims.

Rejection under 35 U.S.C. §103(a)

In the Office Action Claims 1-4, 6-9 and 12-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Morey (5,005,620) in view of Bowers et al. (5,692,548).

The rejection is moot in light of the amended claims.

Rejection under 35 U.S.C. §103(a)

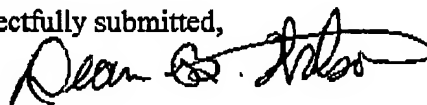
In the Office Action Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Morey (5,005,620) in view of Bowers et al. (5,692,548) as applied to claim 1 above, and further in view of Downie (4,738,402).

The rejection is moot in light of the amended claims.

CONCLUSION

The Applicants submit that all bases for rejection have been overcome by the present amendment and above arguments, and respectfully request that the application with newly presented claims be reconsidered and passed to issuance.

Respectfully submitted,



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